

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38216 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- BELSAND District- Sitamarhi

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IMAM ALI ANSARI SON OF MD. ABDUR RAZZAQUE R/O VILLAGE-
BHATAULIA, P.S.- BELSAND, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 304 of the
Indian Penal Code pending in the learned court below.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. He submits that there is no specific overt act against the
petitioner. He further submits that the petitioner is a poor man
and he earns his livelihood by working as a mason (*Raj
Mishtri*). He submits that police has wrongly implicated the
petitioner in this case stating that the petitioner had constructed



Septic Tank in his own land 5 feet deep and covered the same with plywood instead of cemented slab and the said two girls fell in the said ditch and died. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that there is ample evidence against the petitioner in the case diary. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Belsand P.S. Case No. 15/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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